



1990/F 333E (5591*357)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ANDREAS WINTER ET AL

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S: ART UNIT: 1505

SERIAL NO: 08/324,260
FILED: OCTOBER 17, 1994

: EXAMINER: WU

FOR: METALLOCENES CONTAINING LIGANDS, OF 2-:
SUBSTITUTED INDENYL DERIVATIVES,
PROCESS FOR THEIR PREPARATION, AND : REISSUE OF:
THEIR USE AS CATALYSTS : U.S. PATENT NO.
5,276,208

.....
Asst. Commissioner for Patents
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER
FOR PATENTS, WASHINGTON D.C. 20231 ON THIS Oct. DAY OF Oct. 1999.

BY: Rüger Schlund

DECLARATION REGARDING ORIGINAL PATENT (37 CFR §1.178)

Sir:

I, RÜGER SCHLUND, your declarant, make the following declaration pursuant to 37 CFR §1.178 regarding the location of the original letters patent document for the above-identified reissue application.

1. I am a German patent attorney who represents the firm of Targor GmbH, a corporation organized under the laws of Germany and having an office and place of business in Ludwigshafen, Germany.

2. As I am informed and believe, the original letters patent document, i.e. the certificate of U.S. Patent No. 5,276,208, issued January 4, 1994 (hereafter referred to as "the original patent") was mailed to the assignee then of record, Hoechst Aktiengesellschaft of Frankfurt am Main, Germany (hereafter "Hoechst AG"), shortly after the original patent was received by the firm of Connolly &

Hutz, who represented Hoechst AG in the prosecution of the original patent.

3. As I am informed and believe, the assignee of record, Hoechst AG, went through a major reorganization which began essentially in June or July of 1997. As result of this reorganization, the aforementioned corporation, Targor GmbH was organized for the purpose, among other things, of receiving and holding title to intellectual property related to processes for the preparation of polyolefins, including the above-identified reissue application and the original patent.

4. As I am informed and believe, as a further result of the aforementioned reorganization, files formerly owned by Hoechst Aktiengesellschaft were transferred to Targor GmbH.

5. It is my understanding that a diligent search must be conducted for the original patent, so that one of two conditions can be satisfied to obtain allowance of this application: (a) the original patent should be surrendered to the Patent and Trademark Office, or (b) it must be established that the original patent cannot be found after a diligent search and hence is lost or inaccessible.

6. As I am informed and believe, a diligent search for the original patent was conducted, and the patent could not be found. I therefore concluded that the original patent was lost or

S.N. 08/324,260

1990/F 333E (5591*357)

REISSUE OF: U.S. PATENT NO. 5,276,208

inaccessible.

Your declarant declares further that all statements made herein of his own knowledge are true, and statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S. Code §1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.



RÜGER SCHLUND
Attorney for Targor GmbH

Date: 19 Aug. 1999

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